

*tablets* were being held for sale at Chapman's Pharmacy, after shipment in interstate commerce, the defendant caused a number of these tablets to be dispensed without a prescription from a practitioner licensed by law to administer such drugs. These acts of dispensing were contrary to the provisions of Section 503 (b) (1), and resulted in the dispensed drugs being misbranded while held for sale.

**DISPOSITION:** September 29, 1953. The defendant having entered a plea of guilty, the court imposed a fine of \$50.

✓ **4124. Misbranding of Amytal Sodium capsules, dextro-amphetamine sulfate tablets, amphetamine sulfate tablets, and methyltestosterone tablets.** U. S. v. Drive-In Drug Store, a partnership, and Dale E. Dunn and Ralph C. Dunn. Pleas of guilty. Fine of \$1,500 against partnership; sentence of 1 year in jail against each individual suspended. (F. D. C. No. 34864. Sample Nos. 13812-L, 14562-L, 14565-L, 14570-L, 14571-L, 14575-L.)

**INFORMATION FILED:** On or about May 21, 1953, District of Utah, against the Drive-In Drug Store, a partnership, Salt Lake City, Utah, and Dale E. Dunn, a partner in the partnership, and Ralph C. Dunn, an employee of the partnership.

**NATURE OF CHARGE:** On or about September 19 and 29 and October 5, 14, and 22, 1952, while a number of *Amytal Sodium capsules, dextro-amphetamine sulfate tablets, amphetamine sulfate tablets, and methyltestosterone tablets* were being held for sale at the Drive-In Drug Store, after shipment in interstate commerce, various quantities of these drugs were dispensed without a prescription from a practitioner licensed by law to administer such drugs. These acts of dispensing were contrary to the provisions of Section 503 (b) (1), and resulted in the dispensed drugs being misbranded while held for sale.

The partnership was charged in each of the six counts of the information with causing the dispensing of the drugs involved; Dale E. Dunn was joined as a defendant in count 4 relating to the dispensing of a quantity of *dextro-amphetamine sulfate tablets*, and Ralph C. Dunn was joined as a defendant in the other counts of the information.

**DISPOSITION:** Pleas of guilty having been entered, the court, on June 27, 1953, fined the partnership \$6,000 and sentenced each individual to 1 year in jail. On July 10, 1953, following a hearing on a motion for a reduction of the sentence, the court reduced the fine against the partnership to \$1,500 and suspended the jail sentence previously imposed against the individual defendants.

#### **DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS**

**4125. Misbranding of sulfoxazole tablets.** U. S. v. Morris H. Bennett (Rex Drugs), and George C. Hoss. Plea of not guilty by Defendant Bennett and plea of guilty by Defendant Hoss. Tried to the court. Verdict of not guilty as to Defendant Bennett. Fine of \$50 against Defendant Hoss. (F. D. C. No. 33732. Sample No. 26256-L.)

**INFORMATION FILED:** November 13, 1952, Eastern District of Pennsylvania, against Morris H. Bennett, trading as Rex Drugs, Philadelphia, Pa., and George C. Hoss, an employee.

**ALLEGED VIOLATION:** On or about January 19, 1952, while a number of *sulfoxazole tablets* were being held for sale at Rex Drugs, after shipment in

interstate commerce, the defendants caused a number of the tablets to be repacked and dispensed without a physician's prescription, which acts resulted in the tablets being misbranded.

**NATURE OF CHARGE:** Misbranding, Section 502 (b) (2), the tablets failed to bear a label containing an accurate statement of the quantity of the contents; Section 502 (e) (2), the tablets were fabricated from two or more ingredients, and the label failed to bear the common or usual name of each active ingredient; and, Section 502 (f) (1) and (2), the labeling of the tablets failed to bear adequate directions for use and adequate warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration, in such manner and form, as are necessary for the protection of users.

**DISPOSITION:** A plea of guilty was entered by Defendant Hoss and a plea of not guilty by Defendant Bernett. The case against Defendant Bernett came on for trial before the court on September 23, 1953, and at the conclusion of the testimony, the court returned a verdict of not guilty with respect to this defendant. Upon the basis of Defendant Hoss' plea of guilty, the court fined him \$50 on September 23, 1953.

**4126. Misbranding of sulfadiazine tablets, methamphetamine hydrochloride tablets, and dextro-amphetamine sulfate tablets. U. S. v. Walter Glen Huffman (Economy Drug Store). Plea of nolo contendere. Fine, \$75. (F. D. C. No. 34815. Sample Nos. 11939-L, 12377-L, 12731-L.)**

**LIBEL FILED:** April 23, 1953, Northern District of Ohio, against Walter Glen Huffman, trading as the Economy Drug Store, Toledo, Ohio.

**ALLEGED VIOLATION:** On or about March 13 and 17, 1952, while a number of *sulfadiazine tablets, methamphetamine hydrochloride tablets, and dextro-amphetamine sulfate tablets* were being held for sale at the Economy Drug Store, after shipment in interstate commerce, the defendant caused one bottle of *methamphetamine hydrochloride tablets* to be dispensed in the original bottle in which such tablets had been shipped in interstate commerce, without the prescription of a physician, and caused also various quantities of the other drugs to be repacked and dispensed without prescriptions, which acts resulted in the drugs being misbranded.

**NATURE OF CHARGE:** Misbranding, Section 502 (f) (1), the labeling of the *methamphetamine hydrochloride tablets* failed to bear adequate directions for use (the bottle in which the tablets had been shipped in interstate commerce bore no directions for use since it was exempt from such requirements by the statement on the label "Caution: To be dispensed only by or on the prescription of a physician." The act of the defendant in causing the dispensing of the drug without a physician's prescription caused the exemption to expire).

Further misbranding, Section 502 (b) (1) and (2), the repackaged drugs failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use; and, Section 502 (f) (2), the labeling of the repackaged *sulfadiazine tablets* failed to bear adequate warnings against use in those pathological conditions where its use may be dangerous to health, and against unsafe dosage and methods and duration of administration, in such manner and form, as are necessary for the protection of users.

**DISPOSITION:** April 23, 1953. The defendant having entered a plea of nolo contendere, the court fined him \$75.